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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. 4-12-70216-MAG
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING STATUS
v.)	HEARING, WAIVING THE TIMING FOR
)	A PRELIMINARY HEARING AND
JORGE RODRIGUEZ,)	EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
Defendant.)	
)	Hearing Date: March 9, 2012
)	Time: 9:30 a.m.

The above-captioned matter is set on March 9, 2012 before this Court for a status hearing re identity and removal. The parties jointly request that the Court continue the matter to March 28, 2012, at 9:30 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between March 9, 2012 and March 28, 2012.

Jorge Rodriguez was charged out of the District of Columbia with the transport of visual depictions of minors engaged in sexually explicit conduct, in violation of 18 U.S.C. § 2252(a)(1). On February 24, 2012, Mr. Rodriguez made an initial appearance in this district. On February 29, 2012, the Court held a detention hearing and detained Mr. Rodriguez.

The current status of this case is that counsel for Mr. Rodriguez has received discovery from the United States Attorney's Office in the District of Colombia and needs additional time to

1 review these materials and to discuss the identity and removal hearing with the United States
2 Attorney's office in the District of Colombia.

3 For these reasons, Mr. Rodriguez agrees to waive the timing of a preliminary hearing
4 under Rule 5.1 of the Federal Rules of Criminal Procedure. The parties agree that this waiver
5 covers all time between the date of this stipulation and March 28, 2012.

6 The parties agree also that the failure to grant this continuance would unreasonably deny
7 counsel for defendant the reasonable time necessary for effective preparation, taking into account
8 the exercise of due diligence. Accordingly, the parties stipulate and agree that the ends of justice
9 served by this continuance outweigh the best interest of the public and the defendant in a speedy
10 trial. The parties further agree that the period of time from March 9, 2012 to March 28, 2012,
11 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§
12 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking into account the
13 exercise of due diligence.

14
15 DATED: March 8, 2012

/S/

CHRISTINA McCALL
Assistant United States Attorney

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17
18 DATED: March 8, 2012

/S/

ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that the defense needs time to discuss removal and identity with the United States Attorney in the District of Colombia;

2. Given defense counsel's need to review the discovery in this case;

3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;

4. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

5. Given that defendant agrees to waive the timing of a preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure;

Based on these findings, it is ordered that the status hearing date of March 9, 2012, scheduled at 9:30 a.m., is vacated and reset for March 28, 2012, at 9:30 a.m., before the sitting United States Magistrate Judge. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from March 9, 2012 to March 28, 2012.

March 8, 2012



LAUREL BEELER
United States Magistrate Judge